

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL LATHIGEE,

2:11-CV-1243 JCM (PAL)

**Plaintiff(s),**

V.

## WYNN OPERATOR, LLC, et al.,

Defendant(s).

## ORDER

15 Presently before the court is the matter of *Lathigee v. Wynn Operator, LLC et al.*, (Case No.  
16 2:11-cv-01243-JCM-PAL).

17       Federal Rule of Civil Procedure 4(m) provides: “If a defendant is not served within 120 days  
18 after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must  
19 dismiss the action without prejudice.”

20 Plaintiff filed the complaint on August 2, 2011. (Doc. #1). Pursuant to Federal Rule of Civil  
21 Procedure 4(m), on July 7, 2012, the clerk of the court provided notice to plaintiff that the action  
22 would be dismissed as to the remaining defendant, Wynn Operator, LLC, if plaintiff did not file  
23 proof of service of process by August 10, 2012. (Doc. #30).

24 The court's docket reflects that, to date, plaintiff has failed to file proof of service on the  
25 remaining defendant. This court dismissed the second defendant, Michael Saltman, by summary  
26 judgement. (Doc. #27).

27 | . . .

1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case  
3 be, and the same hereby is, DISMISSED as to Wynn Operator, LLC.

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the above-captioned case  
5 be, and the same hereby is, DISMISSED without prejudice.

6 DATED August 17, 2012.

James C. Mahan  
**UNITED STATES DISTRICT JUDGE**